

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Paul and Linda Prachun,	:	
	:	
Plaintiffs,	:	Case No. 2:14-cv-2251
	:	
v.	:	Judge
	:	
CBIZ Benefits & Insurance Services, Inc.,	:	Franklin County, Ohio
<i>et al.</i> ,	:	Court of Common Pleas
	:	
Defendants.	:	

NOTICE OF REMOVAL

Defendant, Riverside Radiology & Intervention Associates, Inc., with the consent of Defendants CBIZ Benefits & Insurance Services, Inc. and Medical Mutual of Ohio (“Defendants”) hereby removes this action from the Common Pleas Court of Franklin County, Ohio to the United States District Court for the Southern District of Ohio, Eastern Division. In support hereof, Defendant respectfully states:

1. On October 7, 2014, Plaintiffs Paul and Linda Prachun commenced this action by filing a Complaint in the Common Pleas Court Franklin County under the same title as set forth above. The state court action is identified as Franklin County, Ohio Common Pleas Case No. 14CV010382.

2. Defendants were served with a Summons and a copy of the Complaint on October 14, 2014. This Notice of Removal is timely filed pursuant to 28 U.S.C. § 1446(b).

3. This is a civil action over which this Court has jurisdiction pursuant to 28 U.S.C. §1331 and is an action that Defendants can remove pursuant to 28 U.S.C. §1441. Plaintiffs have brought claims under the laws of the United States which state claims which fall within the scope

of the Employee Retirement Income Security Act (“ERISA”) 29 U.S.C. §1001, et.seq. Plaintiffs’ claims are therefore preempted by ERISA.

4. The United States District Court for the Southern District of Ohio, Eastern Division, is the District Court of the United States encompassing Franklin County, Ohio. *See* 28 U.S.C. §115(b)(2).

5. In accordance with 28 U.S.C. §1446(a), a copy of the Complaint, and all process and pleadings served on Defendant in this case in the state court action are attached hereto as Exhibits A through I.

6. The time provided under state law for Defendant to answer or otherwise plead to the Complaint has not expired, as Defendants Benefits & Insurance Services, Inc. and Riverside Radiology & Intervention Associates, Inc. have obtained stipulations of extensions of time to move or plead.

7. Both Defendants CBIZ Benefits & Insurance Services, Inc. and Medical Mutual of Ohio, consent to this removal as evidenced by their counsel and/or authorized representative’s signatures below.

8. By filing this Notice of Removal, Defendants do not waive any defense which may be available to it, specifically including, but not limited to, their right to contest personal jurisdiction, the sufficiency of service of process, and whether venue is proper in this Court or in the Court from which this action was removed.

WHEREFORE, Defendant, Riverside Radiology & Intervention Associates, Inc., with the consent of Defendants CBIZ Benefits & Insurance Services, Inc. and Medical Mutual of Ohio, hereby removes this action from the Common Pleas Court of Franklin County, Ohio to the United States District Court for the Southern District of Ohio.

CONSENT TO REMOVAL

Defendant Medical Mutual of Ohio hereby consents to removal of this action from the Franklin County Court of Common Pleas to the United States District Court for the Southern District of Ohio, Eastern Division.

/s/ Timothy J. Kibler
Timothy J. Kibler
Associate Corporate Counsel and Authorized
Representative of Medical Mutual

Defendant CBIZ Benefits & Insurance Services, Inc. hereby consents to removal of this action from the Franklin County Court of Common Pleas to the United States District Court for the Southern District of Ohio, Eastern Division.

/s/ Brian J. Laliberte
Brian J. Laliberte
Attorney for Defendant CBIZ Benefits & Insurance
Services, Inc.

Respectfully submitted,

**NEWHOUSE, PROPHATER, KOLMAN &
HOGAN, LLC**

/s/ Michael S. Kolman

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<i>Counsel for Defendant Riverside Radiology & Intervention Associates, Inc.</i>	

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing document was served upon the following via regular U.S. Mail, postage prepaid, this 13th day of November 2013:

Todd A. Brenner
Brenner Hubble
555 Metro Place North
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Counsel for Plaintiff

Medical Mutual of Ohio
c/o CT Corporation System
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Counsel for Defendant CBIZ Benefits & Insurance Services, Inc.

And via email to:

Timothy J. Kibler
Timothy.Kibler@medmutual.com
Associate Corporate Counsel and
Authorized Representative of
Defendant Medical Mutual

/s/ Michael S. Kolman
Michael S. Kolman (0031420)